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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CAPITAL ONE, NATIONAL
ASSOCIATION,

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC and
ANTHEM COUNTRY CLUB
COMMUNITY ASSOCIATION,

Defendants.

SFR INVESTMENTS POOL 1, LLC,

Counter-Claimant,

vs.

CAPITAL ONE, NATIONAL
ASSOCIATION; LEON BENZER; and
UNITED STATES OF AMERICA;

Counter-Defendants.

Case No. 2:17-cv-00604-RFB-VCF

Case No. 2:17-cv-00916-RFB-VCF

**JOINT MOTION TO CONTINUE
SETTLEMENT CONFERENCE**

(FIRST REQUEST)

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 vs.

4 LEON BENZER; SFR INVESTMENTS
5 POOL 1, LLC; and CAPITAL ONE, N.A.,

6 Defendants.

7 CAPITAL ONE, NATIONAL
8 ASSOCIATION,

9 Counter-Claimant/Cross-Claimant,

10 vs.

11 UNITED STATES OF AMERICA; LEON
12 BENZER; SFR INVESTMENTS POOL 1,
13 LLC; and ANTHEM COUNTRY CLUB
14 COMMUNITY ASSOCIATION;

15 Counter-Defendants/Cross-
16 Defendants.

17 Capital One, National Association (“Capital One”); SFR Investments Pool 1,
18 LLC (“SFR”); Anthem Country Club Community Association (“Anthem”); and the
19 United States (collectively, the “Parties”) jointly move to continue the settlement
20 conference currently scheduled for November 14, 2018 at 10:00 a.m. In support of
21 this motion, the Parties state as follows:

22 1. These consolidated cases concern an HOA foreclosure sale. Anthem was
23 the foreclosing association at the sale and represents that SFR was the highest
24 bidder.

25 2. The United States holds federal tax liens against the subject property.

26 3. Capital One alleges that it is the record beneficiary of two deeds of trust
27 against the property that secure two loans.

28 4. The issues raised by the consolidated cases include, among other things,
(1) the effect of the HOA sale on Capital One’s deeds of trust; and (2) the relative
priority of the deeds of trust and the federal tax liens.

5. Capital One recently sold one of the two loans at issue to another entity.

6. Therefore, Capital One and its counsel no longer have authority to negotiate a settlement with respect to the loan. Any settlement would require the participation of the new owner.

7. To allow the new owner to familiarize itself with the case and to participate meaningfully in settlement discussions, the Parties jointly move to reschedule the settlement conference to a date during the week of January 7, 2019.

8. The Parties also move the Court for a corresponding extension of the deadline for serving confidential settlement statements.

9. If the Parties determine prior to the week of January 7, 2019 that a settlement conference will no longer be helpful, they will so inform the Court.

Dated: November 2, 2018.

BALLARD SPAHR LLP

KIM GILBERT EBRON

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Deputy Assistant Attorney General

By: /s/ Julie J. Williams
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IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 11-2-2018

*ATTORNEYS
COMMUNITY ASSOCIATION*

IT IS HEREBY ORDERED that the settlement conference scheduled for 11-14-2018 is VACATED and RESCHEDULED to 10:00 AM, January 7, 2019. The confidential statement is due December 31, 2018 at noon.

CERTIFICATE OF SERVICE

I certify that on November 2, 2018, I electronically filed the foregoing **Joint Motion to Continue Settlement Conference**. The following parties will be served electronically:

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I further certify that on November 2, 2018, I served a copy of the foregoing document to the following parties via U.S. Mail:

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Pro Se

/s/ C. Bowman
An employee of Ballard Spahr LLP